



N - TRAFFIC

MVD-11015
REV. 07/13

MICROFILM NUMBER, DO NOT PRINT ABOVE THIS LINE

TAOS COUNTY
SHERIFF DEPARTMENT

COUNTY CODE AGENCY CODE

20120

1034962 9

STATE OF NEW MEXICO
UNIFORM TRAFFIC CITATION

NAME (LAST)

MORTON

AUG-16-2018

NAME (FIRST)

LUCAS

TAOS CO.
MAGISTRATE CT.

PHYSICAL ADDRESS

Unit 2 Lot 28, Costilla Meadows Subdivision Amalia, NM 87512

MAILING ADDRESS

STATE ID PROVIDED DRIVER LICENSE NUMBER

NM 515818120

DATE OF BIRTH

011878077623517

SEX

HEIGHT

WEIGHT

EYE COLOR

M

6

220

BRO

LICENSE PLATE NUMBER

STATE

VEH YR

COLOR

TYPE / MAKE / MODEL

C M V LICENSE TYPE HAZMAT PL PASS 16+ DOT NUMBER

Y N LP V D E A B C Y N Y N

TRAFFIC WEATHER ROAD LIGHT ACCIDENT

LT MD HV CL FG RN SN DS D W I S LT DS DK Y N

☐ STATUTE 66-7-301 SPEEDING
☐ CZ ☐ STATUTE 66-5-229C NO INSURANCE PROOF
☒ STATUTE CRIMINAL
☐ MPH IN A ☐ ZONE ☐ RH ☐ STATUTE 66-7-372 NO SEAT BELTS
☐ TRESPASS 30-14-01
☐ PERMISSION WITHDRAWN

DATE 0803180800T-167
TIME 0800
IDENTIFICATION 0800T-167
DISTRICT 7

OFFICER'S PRINTED NAME

Sgt. JASON P. RAEL

OFFICER'S SIGNATURE

ESSENTIAL FACTS

Above person was advised by property owner Jason Badger to vacate the property + failed to do so.

☐ PENALTY ASSESSMENT: I acknowledge my guilt of the offense charged and my options as explained to me by the officer. I agree to remit by mail the penalty assessment of \$.00

OFFICER MAY NOT ACCEPT PAYMENT

☐ TRAFFIC ARRAIGNMENT: You are hereby ordered to appear in METROPOLITAN COURT / MUNICIPAL COURT

on _____, 20____ at _____ AM
My failure to appear will result in the issuance of a warrant for my arrest, my license being suspended and I will be required to pay an additional \$100.00 warrant fee. I acknowledge receipt of this citation and without admitting guilt, I will appear as ordered.

☒ COURT APPEARANCE: I acknowledge receipt of this notice and without admitting guilt agree to appear in

☒ MAGISTRATE ☐ METRO ☐ MUNICIPAL or ☐ TRIBAL court.

Address 105 ALBRIGHT ST, TAOS, NM

on (or by) 9-3, 2018 at 09:00 AM

☐ WARNING NOTICE: I acknowledge receipt of this notice and agree that a violation of the law has been committed. No further action is required.

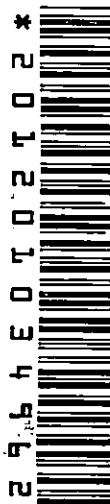
☒ Booked
Signature

Agree to the above marked determination

DEFS' MOTION
EXHIBIT
(#CR-18-02945 WJ)

N

COURT COPY



20120 1034962

COURT DOCKET NUMBER	COURT DATE	SENTENCING DATE
<p>I, the undersigned do hereby enter my appearance on the complaint of the offense charged on the reverse side of the order or summons. I have been informed of my right to trial, that my signature to this plea of guilty will have the same force and effect as a judgment of the court, and this record will be sent to the Licensing Authority of this state (or the state where I received my license to drive). I do hereby PLEAD GUILTY to said offense as charged and WAIVE my rights to a hearing by court.</p>		
Amount of Fine	Signature	
COURT DISPOSITION		
<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Fines <input type="checkbox"/> Dismissed no Prosecution <input type="checkbox"/> Fines Suspended <input type="checkbox"/> Dismissed on Motion		
SENTENCE OF THE COURT		
<input type="checkbox"/> Fine \$ _____ <input type="checkbox"/> Amount Suspended \$ _____ <input type="checkbox"/> Jail Days _____ <input type="checkbox"/> Time Suspended Days _____ <input type="checkbox"/> Bond Forfeit \$ _____ <input type="checkbox"/> Court Costs \$ _____	<input type="checkbox"/> Correction Fee \$ _____ <input type="checkbox"/> Court Automation Fee \$ _____ <input type="checkbox"/> Judicial Education Fee \$ _____ <input type="checkbox"/> Traffic Safety Fee \$ _____ <input type="checkbox"/> Warrant Fee \$ _____ <input type="checkbox"/> Facility Fee \$ _____ <input type="checkbox"/> Other \$ _____	
Total Jail Days _____ Total Costs \$ _____		
Remarks _____ _____ _____		
Final Posting	Date	
	Date	
Warrant Issued	Date	
	Date	
Judge's Signature	Defendant Absent Issued Bench Warrant	
Jailed - See Arrest Number	_____ AM PM _____	

STATE OF NEW MEXICO

IN THE MAGISTRATE COURT COUNTY OF TAOS

STATE OF NEW MEXICO

v.

1M-53-MR-2018-00378 : : :
LUCAS MORTON, Defendant No. M-_____

ORDER SETTING CONDITIONS OF RELEASE

FILED IN

IT IS ORDERED that the defendant be released from custody subject to the following conditions:

AUG 21 2018

- ☐ Personal recognizance;
☐ Unsecured appearance bond of \$ _____
☐ Third party custodian: _____ (name)
 _____ (address, city state, zip) TAOS CO.
 _____ (telephone) MAGISTRATE CT.
- ☒ Secured bond of \$ 5,000.00 CASH ONLY
☒ cash at 100% of a bond ☒ Flight Risk
☐ bail bond executed on Form 9-304 ☐ Danger to the community
☐ property bond executed on Form 9-304

I AGREE TO APPEAR before the court on the ____ day of _____, 20__ at _____ m. at 105 ALBRIGHT STREET SUITE M, TAOS, N.M. 87571 and thereafter at such time and places required in this case by any court.

The court finds that the following conditions of release are the least restrictive conditions necessary to reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The defendant shall not violate any federal, state or local criminal law and shall:

- ☒ not to possess firearms or dangerous weapons;
☒ not to possess or consume alcohol or enter liquor establishments;
☒ obey all tribal laws when within tribal jurisdiction
☒ to notify the court of any change of my mailing or physical address;
☒ not to leave the ☐ county of Taos / ☐ State of New Mexico without prior permission of the court;
☒ to maintain contact with my attorney;
☒ to avoid all contact with the alleged victim or anyone who may testify in this case;
☐ have an ignition interlock device installed on any vehicle the defendant may drive;
☐ drug/alcohol assessment Tri-County Comm. Services, Rio Grande ATP or HRDA. Comply w/ recommendations.
☐ Prior to release. ☐ Appointment for assessment to be made by _____
☐ mental health screening and assessment. Comply w/ recommendations.
☐ Prior to release. ☐ Appointment for assessment to be made by _____
☐ drug testing: ☐ random UAs upon suspicion of use ☐ UAs _____ times per week;
☒ to be placed on electronic monitoring through HRDA or EMTZ Tracking: ☒ GPS ☐ SCRAM ☐ Soberlink
☐ to be placed on House Arrest / Community Custody; ☐ Work release authorized
☐ maintain employment, or, if unemployed, actively seek employment;
☐ maintain or commence an educational program;
☐ Other conditions: GPS Before release Verification of Address
Before release House Arrest 24/7

Defendant's approval of conditions: I UNDERSTAND THE ABOVE CONDITIONS OF RELEASE AND AGREE TO THEM.

I understand that the court may have me arrested at any time, without notice, to review and reconsider these conditions. I understand that my conditions of release may be revoked and I may be charged with a separate criminal offense if I intimidate or threaten a witness, the victim, or an informant, or if I otherwise obstruct justice. I further understand that my conditions of release may be revoked if I violate a federal, state, or local criminal law. I understand, that if I fail to appear as required, my bond, if any, may be forfeited, and I may be prosecuted and sent to [jail] [the penitentiary] for the separate offense of failure to appear. I agree to comply fully with each of the conditions imposed on my release


 DEFENDANT

IT IS SO ORDERED.

Ernest Ortega 08.21.18
 ERNEST ORTEGA
 Magistrate Court Judge

FILED IN

State of New Mexico

v

Lucas Morton

M-53-MR-2018-00378

AUG 22 2018

**TAOS CO.
MAGISTRATE CT.**

FINDINGS NECESSITATING A SECURED BOND

AUTHORITY; RULE 6-401

BACKGROUND

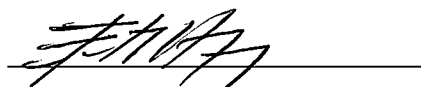
1. The Defendant Lucas Morton was charged with Criminal Trespass in a citation dated 08.03.2018 and filed in the Magistrate Court on 08.16. 2018
2. He was arraigned on 08.21. 2018 and pled not guilty to the charge with counsel present from the Public Defenders Office.
3. A cash only bond of \$5,000.00 with a GPS Monitor requirement for House Arrest was set by the court.

FINDINGS

- A. The Court finds that the defendant is a flight risk.
- B. The Court finds that the defendant has no connection to the community, and has no known address in New Mexico or any other state.
- C. The court finds that a secured \$5,000 Cash Only Bond is reasonable to insure the appearance of the defendant for future court settings.

ARGUMENT AND AUTHORITY

The Magistrate Court complied with rule 6-401- A, that a determination of bail, other than personal recognizance or unsecured appearance, be documented with written findings.



Ernest L. Ortega
Magistrate Judge
Taos County Magistrate Court

FILED IN OFFICE OF CLERK OF
DISTRICT COURT OF TAOS COUNTY
NEW MEXICO AT 1:28 O'CLOCK P M

STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT COURT
PRESIDING JUDGE: EMILIO J. CHAVEZ
No. D-820-LR-2018-00026

AUG 22 2018

BERNABE P. STRUCK/CLERK
BY Pao
DEPUTY CLERK

STATE OF NEW MEXICO,
Plaintiff,

v.

LUCAS MORTON,
Defendant.

FILED IN

AUG 22 2018

TAOS CO.
MAGISTRATE CT.

**ORDER DISMISSING APPEAL
AND REMANDING BACK TO MAGISTRATE COURT**

THIS MATTER, having come before the Court on its own motion, and the Court, having reviewed the Defendant's Emergency Motion to Review Conditions of Release, and the court being otherwise sufficiently advised:

FINDS:

1. Rule 5-401(K)(1) NMRA requires that in cases within the magistrate trial jurisdiction, the defendant file a motion in the magistrate court under Rule 6-401(H)(1) NMRA to review conditions of release, prior to filing a petition with the district court.

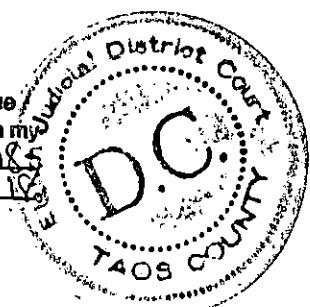
IT IS THEREFORE ORDERED that the appeal is dismissed and remanded back to the magistrate court for further proceedings.

IT IS FURTHER ORDERED that the hearing scheduled for August 23, 2018 in the district court is vacated.

Emilio Chavez
EMILIO J. CHAVEZ
DISTRICT COURT JUDGE

DATE: 8/22/18

I hereby certify that the foregoing pleading is a true
and correct copy of the same which has been filed in my
office on the 22nd day of August 2018
Dated this 22nd day of August 2018
BERNABE P. STRUCK
District Court Clerk



Cy

STATE OF NEW MEXICO
IN THE MAGISTRATE COURT

COUNTY OF TAOS

STATE OF NEW MEXICO

v.

LUCAS MORTON, Defendant

M-53-MR-2018-00378

Amended

No. M-

ORDER SETTING CONDITIONS OF RELEASE

FILED IN

IT IS ORDERED that the defendant be released from custody subject to the following conditions: AUG 23 2018

☐ Personal recognizance:☒ Unsecured appearance bond of \$ 5,000.00☐ Third party custodian: _____

(name)

(address, city, state, zip)

(telephone)

TAOS CO.

MAGISTRATE CT.

☐ Secured bond of \$ _____:☐ cash at _____ % of a bond☐ bail bond executed on Form 9-304☐ property bond executed on Form 9-304☐ Flight Risk☐ Danger to the community

I AGREE TO APPEAR before the court on the ____ day of _____, 20__ at _____ m. at 105 ALBRIGHT STREET SUITE M, TAOS, N.M. 87571 and thereafter at such time and places required in this case by any court.

The court finds that the following conditions of release are the least restrictive conditions necessary to reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The defendant shall not violate any federal, state or local criminal law and shall:

- ☒ not to possess firearms or dangerous weapons;
- ☒ not to possess or consume alcohol or enter liquor establishments;
- ☒ obey all tribal laws when within tribal jurisdiction;
- ☒ to notify the court of any change of my mailing or physical address;
- ☒ not to leave the ☒ county of Taos / ☐ State of New Mexico without prior permission of the court;
- ☒ to maintain contact with my attorney;
- ☒ to avoid all contact with the alleged victim or anyone who may testify in this case;
- ☐ have an ignition interlock device installed on any vehicle the defendant may drive;
- ☐ drug/alcohol assessment Tri-County Comm. Services, Rio Grande ATP or HRDA. Comply w/ recommendations.
- ☐ Prior to release. ☐ Appointment for assessment to be made by _____.
- ☐ mental health screening and assessment. Comply w/ recommendations.
- ☐ Prior to release. ☐ Appointment for assessment to be made by _____.
- ☐ drug testing: ☐ random UAs upon suspicion of use ☐ UAs _____ times per week;
- ☐ to be placed on electronic monitoring through HRDA or EMTZ Tracking: ☐ GPS ☐ SCRAM ☐ Soberlink
- ☐ to be placed on House Arrest / Community Custody; ☐ Work release authorized
- ☐ maintain employment, or, if unemployed, actively seek employment;
- ☐ maintain or commence an educational program;
- ☐ Other conditions: _____

Defendant's approval of conditions: I UNDERSTAND THE ABOVE CONDITIONS OF RELEASE AND AGREE TO THEM.

I understand that the court may have me arrested at any time, without notice, to review and reconsider these conditions. I understand that my conditions of release may be revoked and I may be charged with a separate criminal offense if I intimidate or threaten a witness, the victim, or an informant, or if I otherwise obstruct justice. I further understand that my conditions of release may be revoked if I violate a federal, state, or local criminal law. I understand that if I fail to appear as required, my bond, if any, may be forfeited, and I may be prosecuted and sent to [jail] [the penitentiary] for the separate offense of failure to appear. I agree to comply fully with each of the conditions imposed on my release

DEFENDANT

IT IS SO ORDERED.

ERNEST ORTEGA

Magistrate Court Judge

FILED IN

STATE OF NEW MEXICO
COUNTY OF TAOS
IN THE MAGISTRATE COURT

AUG 29 2018

OK TAOS CO.
MAGISTRATE CT.

STATE OF NEW MEXICO,
Plaintiff,

v.

No. M-53-MR-201800378

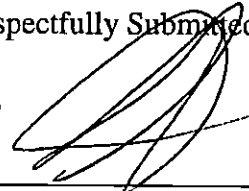
Lucas Morton,
Defendant.

NOTICE OF PEREMPTORY DISQUALIFICATION

The Defendant hereby notifies the Court that she/he is exercising her/his statutory right, as well as her/his right under SCRA 1986, Rule 6-106, to excuse the Honorable Judge ☐ JEFFREY SHANNON ☒ ERNEST ORTEGA from presiding over the above-captioned cause.

Respectfully Submitted:

By;



Defendant or Attorney

A. Kostich

This will certify that a copy
of the foregoing was delivered/faxed
to the District Attorney's office
and/or officer on date of filing
for defendant.


Attorney

STATE OF NEW MEXICO
TAOS COUNTY MAGISTRATE COURT IN TAOS

**FILED IN
TAOS
COUNTY
8/30/2018
MAGISTRATE
COURT
IN
TAOS**

**State of New Mexico
v.
Lucas Morton, Defendant**

No. M-53-MR-2018-00378

NOTICE OF ASSIGNMENT

The Honorable Jeffrey A. Shannon has been assigned to preside over the above-captioned case.



Lucia Herrera, Clerk

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on August 30, 2018 to:
Public Defender's Office

District Attorney's Office
Lucas Morton

Lucia Herrera, Clerk

Court Information:

[As adopted by Supreme Court Order No. 09-8300-037, effective November 16, 2009.] M-CR-9-103C-Notice of Assignment

Taos County Magistrate Court in Taos 105 Albright St., Ste. M

Taos NM 87571 phone 575-758-4030 (fax) 575-751-0983 web site: www.nmcourts.gov

FILED IN

AUG 31 2018

TAOS CO.
MAGISTRATE CT.

IN THE MAGISTRATE COURT
COUNTY OF TAOS
STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff,

M-53-MR-2018-00378

v.

LUCAS MORTON,

Defendant.

DEFENDANT'S EMERGENCY MOTION TO STRIKE DEFECTIVE CITATION

COMES NOW the Defendant, Lucas Morton, by and through counsel, Aleksandar Kostich, and herein respectfully moves this Court to strike the citation in this matter in this matter under NMRA Rule 6-201 (A)(1) et al.

AS GROUNDS THEREFORE, defense counsel states the following:

1. On August 16, 2018, Taos County Sheriff Deputy Jason Rael filed a Uniform Traffic Citation into the Magistrate Court alleging that the Defendant committed criminal Trespassing contrary to NMSA 30-14-01, a misdemeanor offense punishable by a potential maximum sentence of 364 days in the county jail.
2. This citation does not state probable cause as to the elements of the offense in contravention of the Rules.
3. Further, it does not comply with the requirements of MNRA Rule 6-201 (A)(1) as it does not contain a sworn statement containing facts supporting the charge.
4. Moreover, the charging document is improper on its face as it is filed as a uniform traffic citation and not a criminal complaint that meets the very basic requirements of the Rule.

WHEREFORE, the Defense respectfully requests that this Court strike the Citation and issue a Release on Recognizance.

This will certify that a copy of the foregoing
was delivered to the Office of The District
Attorney on August 31, 2018.

Counsel for Defendant

Respectfully Submitted,
BENNETT BAUR
CHIEF PUBLIC DEFENDER

By:

Aleksandar Kostich
Managing Attorney
Law Offices of the New Mexico Public Defender
105 Sipapu Street
Taos, NM 87571
575-613-1364, ext. 11207

Assigned Judge: Shannon; **Time Required:** 15 min.

FILED IN

AUG 31 2018

TAOS CO.
MAGISTRATE CT.

IN THE MAGISTRATE COURT
STATE OF NEW MEXICO
COUNTY OF TAOS

STATE OF NEW MEXICO,
Plaintiff,

v.

M-53-MR-2018-00378

LUCAS MORTON,
Defendant.

REQUEST FOR SETTING

1. Assigned Judge: Judge Jeffrey Shannon
2. Type of Case: Criminal
3. Jury: ☐ Non-Jury: ☒
4. Dates of hearings presently set: None
5. Specific matter(s) to be heard upon this request:

DEFENDANT'S EMERGENCY MOTION TO STRIKE DEFECTIVE CITATION

6. Estimated total time required: 15 MIN
7. Names, addresses, and telephone numbers of all parties entitled to notice:

Assistant District Attorney
105 Albright St. Suite O
Taos, NM 87571
Phone: 758-8683

Aleksandar Kostich
Assistant Public Defender
5066 NDCBU
Taos, NM 87571
Phone: 613-1364

This will certify that a copy of the
foregoing was delivered to District
Attorney's office on Date of Filing.

Counsel for Defendant

Respectfully Submitted,

BENNETT J. BAUR
CHIEF PUBLIC DEFENDER

By: _____

Aleksandar Kostich
105 Sipapu St.
Taos, NM 87571
Phone: (575) 613-1364

STATE OF NEW MEXICO
TAOS COUNTY MAGISTRATE COURT IN TAOS

FILED IN
OCT 31 2018
TAOS CO. MAGISTRATE CT. NMAG53MR-2018-00378

STATE OF NEW MEXICO
v.
Lucas Morton, Defendant

ORDER DISMISSING CRIMINAL COMPLAINT

This matter has come before the Court

☒ upon the motion of the defendant that the above-styled cause be dismissed for failure of the [state] [city] to prosecute and the Court finds that the defendant was not responsible for the failure to complete the disposition of the criminal proceeding.

The complaint charges Defendant with:
Criminal Trespass

It is hereby ordered that all the charges in the complaint filed in the above-styled cause be dismissed

☒ with prejudice. The complaint may not be refiled.

☐ without prejudice. The complaint may be refiled. If the complaint is refiled, Defendant shall promptly respond to any further communications from the court concerning this matter.

APPROVED:

Defendant or counsel

Jeffrey A. Shannon, Judge

Prosecutor

(This form must be signed by the prosecutor if the case is dismissed upon oral motion of the prosecution.)

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on 10-31-18 to:

Jason P. Rael, Ofc

Taos County Sheriffs Office
599 Lovato Place
Taos, NM 87571

Aleksandar N. Kostich

Law Offices of the Public Defender
5066 NDCBU
105 Sipapu Street
Taos NM 87571

Lucas Morton

Unit 2 Lot 28 Costilla Meadows
Amalia, NM 87512

Jeffery Shannon, Clerk

Distribution: 1 copy- Court, 1 copy - Defendant, 1 copy - Plaintiff (As amended effective December 31, 2013) Criminal Form 9-414

Court Information: Taos County Magistrate Court in Taos 105 Albright St., Ste. M
Taos NM 87571 phone 575-758-4030 (fax) 575-751-0983 web site: www.nmcourts.gov